



SPREAD THE WORD: COMMUNICATING CHOICE

The Indiana Department of Education's (IDOE's) Office of Special Education has provided this guidance within a series of important topics of special education as a requirement by the U.S. Department of Education's Office of Special Education Programs.

This resource provides a look into supporting decision making in adulthood, transfer of rights, and other important topics for young adults with disabilities.

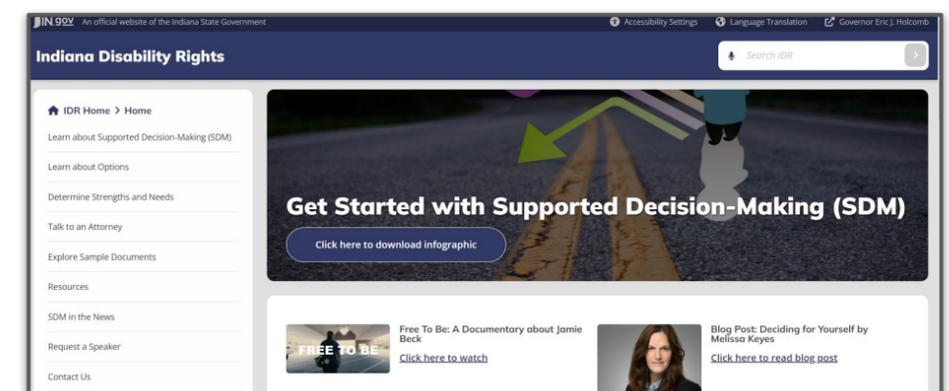
This document will discuss alternatives which may be used separately or in combination to assist young adults to make decisions about education and other aspects of young adulthood.

As a student receiving special education moves into adulthood (age of majority) at 18, there is a natural and legal transfer of decision-making power. As this transfer occurs, some students may continue to need assistance with making decisions regarding their educational program or other aspects of adult life.

Consider what types of choices the student makes now, what kinds of support they receive from their family or teachers in making and practicing choices, and help the student think about the future and what, if any, supports they may need.

Informal advice or guidance from family and friends may be all some students need, but for those who would benefit from a more structured approach, there are a number of options.

Information from this resource was created with content from Indiana Disability Rights. For more information, [click here](#).





Prior to a student's first years of adulthood, it is important to understand what rights transfer to them, and how supporting choice for them is crucial. Here's what happens:

Education

At the age of majority, students with individualized education programs (IEPs) have the right to:

- Leave school or change placement;
- Request a due process hearing to resolve disputes about their education; and
- Receive notice of and attend IEP meetings.

Without the right supports, students could choose to drop out, becoming ineligible for some transition services.

Healthcare

At the age of majority, the healthcare rights that transfer to students include:

- The right to medical privacy;
- The right to request changes in medication; and
- The right to consent to medical treatment.

Arranging support is a good way to ensure students are prepared to make healthcare decisions.

Financial

At the age of majority, the financial rights that transfer to students include:

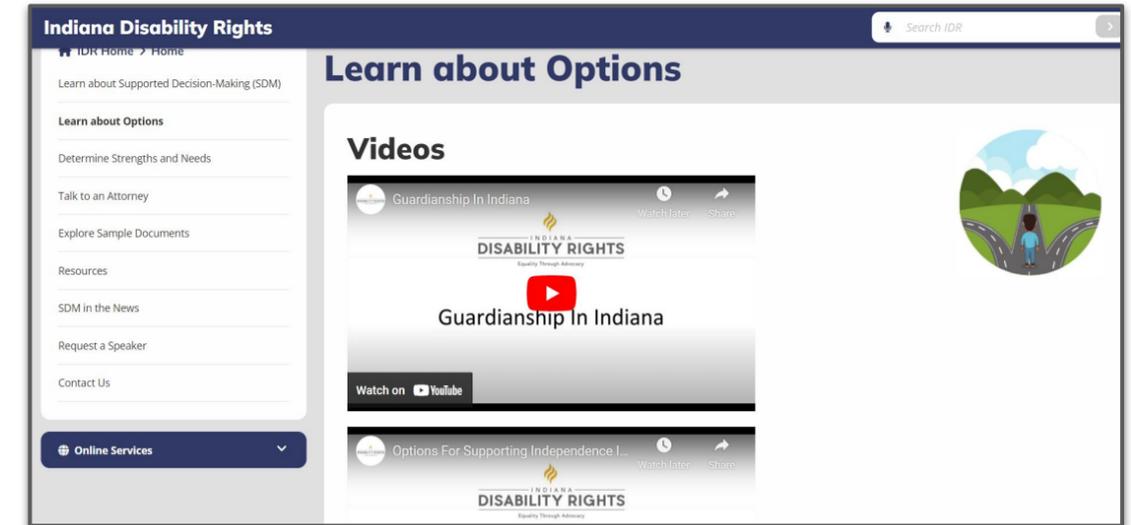
- The right to manage their finances;
- The right to make living arrangements; and
- The right to sign contracts.

While it is important to make financial decisions as a young adult, offering assistance is important.



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As students reach the age of majority and in the years following, it is important to support their choices in all pursuits. Still, like many new adults, they need friends and family to help prepare them for success. The Indiana Department of Education (IDOE) encourages families to consult with experts and advocates, enabling them to facilitate their student’s pursuit of self-advocacy and growth. **Indiana Disability Rights** provides a helpful resource for parents to gain information on **different options**. These resources are available in both English and Spanish.



Less Restrictive

More Restrictive

Supported Decision-Making (Formalized)

Independence (Interdependence, Informal Supports)

Agency Agreements (Power of Attorney, Representative Payee, etc.)

Limited Guardianship

Full Guardianship



Independence, Interdependence, Informal Supports

These are ways to help fill in the gaps in a person's needs. It's using technology, services, or friends and family to help address a person's needs.

Supported Decision-Making

A way to accommodate in the decision-making process. The person appoints "supporters" to assist with decision-making in a manner and area chosen by the individual. They retain ultimate decision-making authority.

Agency Agreements

Allows a person to appoint another to make decisions or act on their behalf in certain situations. Some examples include power of attorney documents, healthcare representatives, and representative payees.

Limited Guardianship

A court may limit the appointment of a guardian to a particular area or task; for example, a limited guardianship over the person's finances and property where the individual retains all other rights.

Full Guardianship

Unless limited by the court, a guardian is responsible for providing or supervising the person's care and ensuring their property, finances, and assets are properly preserved and managed. Guardians are also generally required to regularly inform the court on the status of these matters.

Under the Family Educational Rights and Privacy Act, parents begin receiving "transfer of rights" letters one year before their child turns 18. These letters are notification that the student will soon inherit the rights of adulthood. Parents and guardians may not fully understand what options are available if their student needs support. In many cases, less-restrictive alternatives allow the individual the most freedom to make decisions and come with similar risks seen in any young adult. In a worrying trend identified by the [**National Council on Disability**](#), people with Intellectual and Developmental Disabilities are currently at high risk of guardianship due to a "school-to-guardianship" pipeline. IDOE highly encourages parents to look at options for supporting decision-making in the least restrictive way possible.



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What is Supported Decision-Making (SDM)?

In July 2019, Indiana recognized SDM as a less-restrictive alternative to guardianship. SDM, while informally used by all, is a decision-making support where individuals consult friends and family before making decisions, but the individual makes the final decision. Those who support someone are typically deemed “supporters” in an SDM agreement.

When can I seek SDM for a student?

A formalized SDM agreement can be completed for any adult. It can be used on its own or combined with other supports to fit an individual’s needs. Allowing people with disabilities this dignity of risk, like we do for most young adults, helps them improve their decision-making skills and leads to greater self-determination.

Where do I find an SDM agreement form?

There is no formal SDM agreement template, as it can be tailored to each person’s unique situation. While it must be notarized, it is a flexible document that can be changed at different points of time to better meet the needs in one’s life. The agreement can be used to show third parties like doctors that the person is able to make the decision themselves.

Who can utilize SDM?

Anyone can utilize SDM. People confer with those around them for advice before making choices big and small. This concept is SDM. Those under guardianship can benefit from principles of the concept, as it can improve understanding of choices and consequences. SDM is an excellent model for individuals who want independence, but need a little help.

How does SDM differ from other alternatives?

SDM is a different type of assistance entirely. Placing the right supports around someone to empower the person to make their own decisions. With SDM, the person makes the final decision. For other arrangements like power of attorney, the person can delegate decision-making to someone else. For guardianship, a court appoints someone to make decisions on the person’s behalf.

Why is SDM a good alternative to guardianship?

SDM doesn’t need to be brought before a judge to be valid, and agreements can easily be modified over time. SDM agreements also serve as a great option for showing third parties like doctors or other individuals’ one’s decision making capacity.



Supported Decision-Making Resources

- [Charting the LifeCourse](#)
- [National Resource Center for Supported Decision-Making](#)
- [The Arc of Indiana](#)
- [Governor's Council for People with Disabilities](#)

Additional Resources

- [IN*SOURCE | Special Education Parent Support](#) - Statewide resource on special education with training opportunities
- [Bureau of Developmental Disabilities Services](#) - Supporting children and adults with disabilities to live their best life
- [INvestABLE Indiana](#) - Information about saving money for people with disabilities
- [Self-Advocates of Indiana](#) - Advocacy opportunities for young adults with disabilities
- [Social Security Administration](#) - Information about financial benefits for students with disabilities

